

K Great Brit. Gro III.

52

214. i. 2
52



A N

A C T

For the more effectually carrying into Execution an Act made in the Sixth Year of the Reign of His Present Majesty, intituled, "An Act for vesting " in Trustees the settled Estate of Washington " Earl Ferrers, in the County of Derby; to be " sold, for satisfying the Incumbrances and Por- " tions affecting the same and the rest of his set- " tled Estates, and for other Purposes therein men- " tioned."



WHEREAS, by an Act of Parliament, made and passed in the Sixth Year of His present Majesty's Reign, intituled, *An Act for vesting in Trustees the settled Estate of Washington Earl Ferrers, in the County of Derby; to be sold, for satisfying Incumbrances and Portions affecting the same and the rest of his settled Estates, and for other Purposes therein mentioned*; after reciting, that by an Indenture of Settlement, dated the Twenty-fourth Day of October, One Thousand Seven Hundred and Forty-One, made, or mentioned to be made, between the Honourable
B Lawrence

Lawrence Shirley the elder, (one of the Sons of the Right Honourable *Robert*, the first Earl *Ferrers*, by the Right Honourable *Elizabeth*, Lady *Ferrers*, his first Wife) and *Ann*, the Wife of the said *Lawrence Shirley* the elder, *Lawrence Shirley* the younger, Esquire, then eldest Son and Heir Apparent of the said *Lawrence Shirley* the elder, but who afterwards became Earl *Ferrers*, and is since deceased, of the first Part; the Right Honourable *Selina*, then Countess Dowager *Ferrers*, and since also deceased, of the second Part; the Honourable *George Shirley*, *Sewallis Shirley*, and *John Shirley*, the three younger Sons of the said *Robert*, late Earl *Ferrers*, by the said *Selina* Countess Dowager *Ferrers*, of the third Part; *John Dax*, Gentleman, of the fourth Part; *Richard Phillips*, Gentleman, of the fifth Part; Sir *James Gray*, Baronet, and the Honourable *James Brudenell*, Esquire, of the sixth Part; Sir *Henry Harpur*, Baronet, and Sir *Robert Burdett*, Baronet, of the seventh Part; *George Clarges* and *Gould Clarges*, Esquires, of the eighth Part; and Sir *Thomas Clarges*, Baronet, and *Rowland Cotton*, Esquire, of the ninth Part; and by other Assurance in the Law, divers Manors or Lordships, Messuages, Lands, Tenements and Hereditaments, situate, lying and being in the Counties of *Derby*, *Leicester*, *Nottingham* and *Stafford*, therein mentioned and described, were settled, limited, and assured, to and for the Use and Benefit of the said *Lawrence Shirley* the elder, *Lawrence Shirley* the younger, late Earl *Ferrers*, *Washington Shirley*, now Earl *Ferrers*, and all other the Sons of the said *Lawrence Shirley* the elder, and divers other Persons (being Descendants of the said *Robert*, late Earl *Ferrers*) and the Children and Issue of such Persons respectively, for such Estates and Interests, and subject to such Powers and Provisions for making Jointures, and for raising Portions and Maintainance for younger Children, and making Leases respectively, as are therein mentioned: And also reciting or setting forth, that the Premises in the County of *Stafford* were, before and at the Time of making the said Settlement, subject and liable to several Incumbrances, amounting to the principal Sum of Twenty-five Thousand Two Hundred and Forty Seven Pounds, Seventeen Shillings; and that the Premises in the Counties of *Leicester*, *Derby* and *Nottingham*, were subject to the Sum of Twenty-two Thousand Nine Hundred and Ninety-six Pounds Fifteen Shillings and Six Pence; and that the Incumbrance affecting the said Manors and Premises in the Counties of *Leicester*, *Derby*, *Nottingham* and *Stafford* (including Two Thousand Pounds, which the said *Lawrence*, late Earl *Ferrers* had Power to charge upon the Premises by the said Settlement) amounted together to the Sum of Sixty-five Thousand Two Hundred and Forty-four Pounds, Twelve Shillings, and Six Pence; and that the same Manors and Premises stood charged with several Yearly Rents, payable to *Ann Shirley*, Widow of the said *Lawrence Shirley* the elder, *Mary Countess Ferrers*, Widow of the said *Lawrence*, late Earl *Ferrers*, and to *Ann Countess Ferrers*, Wife of the said *Washington*, now Earl *Ferrers*, as is therein mentioned: It was amongst other Things Enacted, that all those Manors or Lordships of *Shirley*, *Brailsford*, *Ednaston*, and *Yeaveley*, with their and every of their Rights, Members, and Appurtenances,

ces, in the County of *Derby*, and all other the Manors, Lands, Messuages, Tenements and Hereditaments whatsoever, in *Shirley*, *Brailsford*, *Edgaston*, *Yeaveley*, and *Longford*, or any of them, or elsewhere in the said County of *Derby*, in and by the said Indenture of Settlement limited and assured as aforesaid, together with all and singular the Messuages, Outhouses, Cottages, Barns, Stables, Buildings, Lands, Tenements, Meadows, Pastures, Woods, Underwoods, Ways, Waters, Watercourses, Easements, Commons, Wastes, Profits, Rents, Advantages, Appurtenances and Hereditaments, or any of them respectively belonging or appertaining, or with them or any of them used, occupied, possessed or enjoyed, or accepted, reputed, deemed, taken, or known, as Part, Parcel, or Member thereof, or of any Part thereof, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits of all and singular the same Premises, should, from and after the Twenty-fourth Day of *June*, One Thousand Seven Hundred and Sixty six, be vested in and upon, and the same were thereby from thenceforth vested in *George Wright*, of *Gayburst*, in the County of *Buckingham*, Esquire, and *Thomas Cotes*, of *Woodcott*, in the County of *Salop*, Esquire, since deceased, and their Heirs, to the Use of them and their Heirs, freed and discharged, and absolutely acquitted, exempted, and indemnified of, from and against all the Estates, Uses, Trusts, Powers, Annuities, Rent Charges, Charges, Intails, Limitations, Remainders and Contingencies limited, created or declared, of and concerning the said Premises, or any of them, in or by an Indenture of Settlement of the Twenty-fourth Day of *October*, One Thousand Seven Hundred and Forty-one; but nevertheless, upon the Trusts, and for the Ends, Intents, and Purposes therein after expressed and declared (that is to say) upon Trust, that they the said *George Wright*, Esquire, and *Thomas Cotes*, Esquire, or the Survivor of them, and the Heirs of such Survivor, do and shall, with all convenient Speed, by and with the Consent, Direction and Approbation of the said *Washington Earl Ferrers*, if he should be living, to be testified by Writing under his Hand, or if he should be dead, at the Direction and Approbation of the said Person who should be in the actual Possession of the said Lands and Hereditaments by Virtue of the Settlement beforementioned, sell and dispose of the Manors, Lands, Premises, and Hereditaments thereby vested in them as aforesaid, either together or in Parcels, to any Person or Persons that should be willing to be a Purchaser or Purchasers thereof, for the most Money and best Price and Prices that they could get for the same; and they were to apply and dispose of the Money arising from such Sale, in Manner following: (that is to say) in the first Place, in paying, defraying, and discharging all the Costs, Charges and Expences attending the passing and obtaining the said Act; and in the next Place, in and for the Payment and Discharge of the Sum of Twenty-two Thousand Nine Hundred and Ninety-six Pounds Fifteen Shillings and Six Pence, being the Part and Proportion of the Sum of Thirty Thousand Pounds, so charged upon and affecting the said Manors, Lands and Hereditaments, in the Counties of *Leicester*, *Derby*, and *Nottingham*; and in the next Place, in and for the Payment

ment and Discharge of the Sum of Fifteen Thousand Pounds, the Portions provided in and by the said Indenture of Settlement for the younger Children of the said *Lawrence Shirley* the elder, deceased, and charged upon the said Manors, Lands, and Hereditaments in the said Counties of *Leicester, Derby, Nottingham* and *Stafford*; and in the next Place, in and for the Payment and Discharge of the Sum of Two Thousand Pounds, which the said *Lawrence Earl Ferrers* had Power, in and by the said Settlement, to charge on the said Estates in the said Counties of *Derby, Nottingham* and *Stafford* as aforesaid, in case it should thereafter appear, that the said *Lawrence Earl Ferrers* had duly, legally and effectually executed the said Power; and in the next Place, in and for the Payment and Discharge of the Sum of Twenty-five Thousand Two Hundred and Forty-seven Pounds, and Seventeen Shillings, so charged upon and affecting the Manors, Lands, and Hereditaments, in the County of *Stafford*.

And whereas the Debts and Incumbrances directed to be paid and discharged by the said Act of Parliament, are attended with an high Rate of Interest; and by the Payment thereof, the Yearly Income of the said *Washington Earl Ferrers*, who is now intitled thereto as Tenant for Life, is greatly reduced: And as some of the said Creditors and Incumbrancers are very pressing for the Payment and Discharge of the said Debts, and the Methods which they threaten to take for Recovery thereof, may (if put in Execution) be attended with great Inconvenience, Prejudice and Loss to the said *Washington Earl Ferrers* and his Family, it is very proper and expedient for them that the said Incumbrance should be speedily paid off and discharged; But as the same cannot be done otherwise than by an absolute Sale and Disposition of the Inheritance of a Part of the said Estate, the said Earl doth propose that a competent Part of the Premises in the County of *Derby*, comprised in the said former Act, may be sold and disposed of for that Purpose: But as great Part of the said Estate is lett upon Leases for Lives, or Years determinable on Deaths, at small reserved Rents; and the Lands and Tenements in such Leases, lie dispersed in separate small Parcels, and at a great Distance one from another; it is not probable that any Person will be willing to treat or contract for so much, and such a Part of an Estate, in and under such Situation and Circumstances, as will raise and produce a Sum of Money sufficient to discharge the said Incumbrances: And as some of the Tenants, holding under such Leases, may be willing to sell and dispose of their Leasehold Estates and Interest, or to exchange them for other Lands to be granted and leased to them in lieu thereof, and for the like Terms and Interest; it is proposed that such Leasehold Lands should be purchased and vested in Trustees in Fee Simple, so as that the same may be made Part of the Fund or Provision for discharging the said Incumbrance, by such Ways and Means, and in such Manner as is herein after mentioned, provided and declared. But although the carrying the said Proposal into Execution, would be greatly for the Benefit and Repose of the said *Washington Earl Ferrers* and his Family, yet the same cannot take Effect and be carried into Execution, unless the said former Act of Parliament be amended and rendered more effectual for that Purpose and in that Behalf, by Authority of Parliament.

Wherefore

Wherefore Your Majesty's Most Dutiful and Loyal Subject, the said *Washington Earl Ferrers*, doth most humbly beseech Your Majesty that it may be Enacted, And be it Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all those the said Manors or Lordships of *Shirley, Brailsford, Ednaston, and Yeaveley*, in the said County of *Derby*, and all other the Manors, Lands, Messuages, Tenements, and Hereditaments, in the said County of *Derby*, which in and by the said former Act of Parliament were vested in the said *Thomas Cotes*, since deceased, and the said *George Wright*, and their Heirs as aforesaid, shall, from and after the Thirty-first Day of *March*, 1768, be settled upon, and vested in, the said *George Wright*, and *John I'Anson* Gentleman, of *Westminster*, and their Heirs, to the Use of them, and their Heirs, in as full, absolute, extensive, and beneficial Manner to all Intents and Purposes, as the same Premises were vested in the said *George Wright*, and *Thomas Cotes*, by Force and Virtue of the said former Act; and that they the said *George Wright*, and *John I'Anson*, and their Heirs, shall stand, and be seized of and in the Manors, Messuages, Lands, Tenements, Hereditaments, and Premises in the said County of *Derby*, with their and every of their Rights, Royalties, Members, and Appurtenances, upon the Trusts, and to and for the Ends and Purposes, and subject to the Powers, Provisoos, and Declarations therein and herein after mentioned, expressed, provided, and declared, of and concerning the same, that is to say, upon Trust, and to the Intent that they the said *George Wright*, and *John I'Anson*, or the Survivor of them, or the Heirs of such Survivor, do and shall, with such Consent and Direction as in the said former Act is mentioned, directed, and appointed, sell and dispose of the same Premises, so vested in them as aforesaid, unto any Person or Persons that shall be willing to become a Purchaser or Purchasers thereof, or of any Part thereof, at and for the most Money and best Price and Prices that they can get for the same respectively; and do and shall apply and dispose of the Money arising and produced by such Sale or Sales, in, for, and towards the paying, satisfying, and discharging the several Debts, Sums of Money, and Incumbrances, and to and for the several Ends, Intents, and Purposes as are in and by the said former Act provided, directed, and appointed, and for such other Purposes as are hereby ordered, directed, and appointed.

And, for the promoting and facilitating such Sale and Disposition, and for the more speedy and effectual obtaining and accomplishing the Ends and Purposes aforementioned, it is hereby Provided, Declared and Enacted, That it shall and may be lawful to and for the said *George Wright*, and *John I'Anson*, or the Survivor of them, or the Heirs of such Survivor, by and with such Consent, Direction, and Approbation, as aforesaid, and they are hereby respectively authorized and empowered to contract with any Person or Persons (holding or
C enjoying

enjoying any of the Lands, Tenements, and Hereditaments, in the said County of Derby, so vested by this Act, as Tenant or Tenants for Life or Lives, or for Years determinable on Death, under any Lease or Grant from any of the Ancestors of the said *Washington Earl Ferrers*, for the Purchase of his, her, or their Leasehold Estate and Interest of and in the same, for such Consideration, to be paid in Money, as shall be agreed upon between the contracting Parties, or for the Exchange of any of the same Leasehold Lands and Tenements for other Lands and Tenements, being Part of the Premises vested by this Act.

And be it hereby Enacted and Declared, That when any of the said Leasehold Estates shall be purchased for a Consideration to be paid in Money, the said Money so contracted for shall, by the said *George Wright*, and *John T Anson*, or the Survivor of them, or the Heir of such Survivor, be paid out of the Money arising by a Sale or Sales of any Part of the Premises vested in them by this Act, and the Overplus (if any) shall be applied to the several Uses as in the former Act are directed and appointed; and the said Trustees for the Time being shall, upon Payment of such Purchase or Consideration Money, accordingly take a Conveyance or Conveyances, Assignment or Assignments, Surrender or Surrenders of the Premises so purchased, unto or for the Use or Benefit of them the said Trustees, their Heirs, and Assigns: And that when any of the said Leasehold Estates and Tenements shall be purchased in Consideration of, and in Exchange for, such other Lands and Tenements as aforesaid; the said Trustees shall and may, and they are hereby authorized and impowered, to lease, grant, demise, convey, and assure, such of the said Lands, Tenements, and Hereditaments, herein before vested in them as aforesaid, as shall be agreed to be given in Exchange as aforesaid, unto and for the Benefit of the Person or Persons intitled to the said Leasehold Tenements and Premises respectively, in such Manner as, by Counsel learned in the Law, shall be reasonably advised.

And it is hereby further Enacted and Declared, That immediately after the Inheritance of the said Leasehold Farms, Lands, Tenements, and Hereditaments, so directed to be purchased and taken in Exchange respectively as aforesaid, shall, by the Ways and Means aforementioned, be vested in the said Trustees, or the Survivor of them, or the Heirs of such Survivor, by Force and Virtue of this present Act; then the said Trustees, or the Survivor of them, or the Heirs of such Survivor, shall, at all Times from thenceforth, stand and be so seized of and in all and every the said Lands, Tenements, and Hereditaments, and Premises so to be purchased and taken in Exchange as aforesaid, to, for, upon, and subject to such Trusts, Powers, Provisions, Intents, and Purposes, as in and by the said former Act are mentioned, expressed, provided, and declared, of and concerning the Manors, Messuages, Lands, Tenements,

ements, Hereditaments and Premises in the County of *Derby*, thereby vested, directed, and appointed to be sold, or such or so many of them as are now existing, undetermined, or capable of taking Effect, as fully and effectually, to all Intents and Purposes, as if the same Leasehold Premises, hereby directed and appointed to be purchased and taken in Exchange as aforesaid, had, by Virtue of the said former Act, been actually vested in the said *George Wright*, and *John P Anson*, and their Heirs, to and for the Uses, upon the Trusts, and to and for the Ends, Intents, and Purposes therein mentioned, provided, expressed, and declared, and that the Receipt or Receipts of the said *George Wright*, and *John P Anson*, or the Survivor of them, or the Heirs of such Survivor, under his, her, or their Hand or Hands, respectively shall be a sufficient or effectual discharge to the Purchaser or Purchasers of the said Premises, or any Part thereof hereby vested as aforesaid, for the Purchase or Consideration Money, to be paid for the same; and that after such Receipt or Receipts, such Purchaser or Purchasers shall be, and he, she, or they respectively are hereby absolutely acquitted and discharged of, and from the same, and he, she, or they, or any of them respectively, shall not be answerable or accountable for any loss, misapplication or nonapplication, of the said Purchase or Consideration Money, or any Part thereof.

And it is also Enacted and Declared, That the said *George Wright*, and *John P Anson* shall not be answerable or accountable for any more Money than they shall respectively actually receive, by Virtue of or under the Trusts herein before declared, and not the one for the Acts, Receipts, Neglects, or Defaults of the other of them; and also that they the said *George Wright* and *John P Anson*, and their respective Heirs, shall and may, out of the Money which they shall receive, by Virtue of this Act, deduct and retain all such Sum and Sums of Money, Costs, Charges, and Expences, as they respectively shall or may sustain or be put unto, in, or about the Execution of the Trusts hereby in them reposed.

Having always to the King's Most Excellent Majesty, his Heirs, and Successors, and to all and every Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, other than and except the said *Washington Earl Ferrers*, and all and every the Person and Persons whose Estates, Rights, Titles, Claims, and Interests in Possession, Remainder, or Reversion respectively, are barred, defeated, or extinguished, or intended to be barred, defeated or extinguished by the Tenor, true Meaning, Force, Operation or Effect of the said former Act, all such Estate, Right, Title, Interest, Property, Claim, or Demand whatsoever, as they, or any of them respectively, had before the passing this Act, or could or might have had, held, or enjoyed, in case this present Act had not been made.

AN

A C T

For the more effectually carrying into Execution an Act made in the Sixth Year of the Reign of His Present Majesty, intituled, "An Act for vesting in Trustees the settled Estate of Walsington Earl Ferrers, in the County of Derby; to be sold, for satisfying the Incumbrances and Portions affecting the same and the rest of his settled Estates, and for other Purposes therein mentioned."

